

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

No. CR-07-0711 MMC

Plaintiff

v.

OSCAR ERNESTO ROMERO-ROMERO,
JR.,

**ORDER DENYING IN PART AND
DEFERRING IN PART RULING ON
ADMINISTRATIVE MOTION TO FILE
DOCUMENTS UNDER SEAL**

Defendant

Before the Court is defendant's administrative motion, by which defendant seeks to file under seal the following documents: (1) defendant's administrative motion, (2) the declaration in support thereof, to which defendant has attached Exhibits A through D to the "Declaration of Jodi Linker Authenticating Documents Received in Discovery from the United States in Support of [Defendant's] Motion to Dismiss Indictment," and (3) a proposed sealing order. Having read and considered the administrative motion and documents filed in support thereof, the Court rules as follows.

1. To the extent defendant seeks to file under seal the administrative motion to seal and the proposed sealing order, the motion is DENIED for the reason that defendant has

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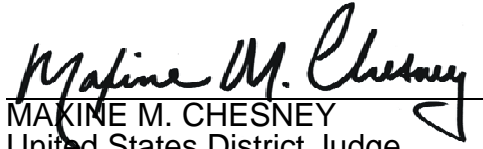
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1 not asserted, much less shown, such documents are subject to sealing.¹ Defendant shall
2 file in the public record, no later than June 27, 2008, the administrative motion to seal and
3 proposed order thereon.

4 2. To the extent defendant seeks to file under seal the above-referenced Exhibits A
5 through D, ruling on the motion is hereby DEFERRED for the reason that said Exhibits
6 were designated as confidential by plaintiff. Consequently, under the Local Rules of this
7 District, defendant, as the submitting party, is required to file and serve plaintiff with the
8 motion to seal. See Civil L.R. 79-5(d) (providing, where documents designated confidential
9 by another party, submitting party must “file and serve” motion for sealing order); see also
10 Criminal L.R. 55-1(b) (incorporating, with exception of subsection (e), provisions of Rule 79-
11 5 of the Civil Local Rules). Thereafter, within five days of such filing and service, plaintiff,
12 as the party designating the documents as confidential, “must file with the Court and serve
13 a declaration establishing that the designated information is sealable, and must lodge and
14 serve a narrowly tailored proposed sealing order, or must withdraw the designation of
15 confidentiality.” See Civil L.R. 79-5(d).

16 **IT IS SO ORDERED.**

17 Dated: June 25, 2008

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19 MAKINE M. CHESNEY
20 United States District Judge
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27 ¹ The Court further notes that the references made therein to A-files of individuals
28 other than defendant are no more extensive than those made in defendant’s Motion to
Dismiss, which motion was filed in the public record.